

Notice of Allowability

Application No.

10/064,780

Examiner

Walter F Briney III

Applicant(s)

HUANG ET AL.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 16 August 2002.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 16 August 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

Claims 1-4 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 2, and 4 are all directed toward either a method to enable a VoIP modem to dial a number to a PSTN office using pulse dials instead of DTMF tones. In particular, *the VoIP modem comprises a relay for selectively connecting a telephone set with the PSTN or with a subscribe line interface circuit, and switching the relay to connect the telephone set with the PSTN and with the SLIC alternatively for a number of cycles equal to a digit of a dialed telephone number* (claim 1).

With respect to claim 1, the applicant's admitted prior art shown in figure 1, depicts a VoIP modem that includes said *telephone* (12), said *relay* (16), said *PSTN* (14) and said *SLIC* (18). However, the prior art does not dial the PSTN office through pulse dialing, but with the DTMF circuit (22). See pages 1 and 2 of the applicant's specification. Several other examples of the applicant's admitted prior art are depicted in US Patent to Laturell (US Patent Application Publication 2004/0052242) and Byers (US Patent 6,614,786). In the Byers reference, reference is made to pulse dialing within the dual-network system illustrated in figure 1. In particular, either DTMF or pulse dialed digits can be transmitted to the PSTN through hybrid (32). This suggest that the keypad (30), and associated circuitry that is not depicted is responsible for generating either DTMF or pulse dialed digits, the relay (14) only offers a means of alternatively connecting a call through the hybrid (32) or modem (20).

Laturell figure 2 depicts a similar system, a relay (260) alternatively connects a typically telephone (210) to either a PSTN central office (140) or the internet (130) for VoIP communication. In this case, pulse dialing is performed by the circuitry already within each of the POTS handsets (210), no other circuitry is necessary.

The only viable teaching that can be taken from either of the two references is that pulse dialing over the PSTN is beneficial. Yet, there is no evidence or suggestion to modify the network connecting relay of the claim to be used for pulse dialing.

In another example, Nomura et al. (US Patent 5,877,872) discloses a facsimile apparatus, figure 1, that has a modem with the ability to generate pulse dialed digits on to a PSTN line using a relay (31). Even if there was suggestion to combine Nomura with the prior art, there is still no suggestion to reuse the network connecting relay. At best, the modem within the applicant's admitted prior art would include a second relay in series with its two-wire PSTN interface. Therefore, claim 1 is allowable over any of the applicant's admitted prior art, Laturell, and Byers, in view of Nomura.

As noted above, independent claims 2 and 4 are essentially the same as claim 1, and are allowable over the cited prior art for the same reasons.

Claim 3 is dependent on claim 2, and is allowable over the cited prior art for at least the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huyen Le can be reached on 703-305-4844. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB
12/22/04


XU MEI
PRIMARY EXAMINER